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 CALIX, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

TRACY HANKINS,

Plaintiff,

vs.

CALIX INC. and DOES 1-25,

Defendants,

Case No. 5:19-cv-07547-SVK

**JOINT CASE MANAGEMENT
 CONFERENCE STATEMENT**

Date: November 10, 2020
 Time: 9:30 a.m.
 Ctrm.: 6, 4th Floor
 Judge: Hon. Susan Van Keulen

Complaint Filed: 11/15/2019
 Trial Date: 05/03/2021

Under Federal Rule of Civil Procedure 26(f) and Civil Local Rule 16-3, counsel for each party attended a telephonic Case Planning Conference. In accordance with the Standing Order for All Judges of the Northern District of California, the parties submit the following joint case management conference statement.

1. JURISDICTION AND SERVICE

The Court has original federal question jurisdiction under 28 U.S.C. § 1331 as Plaintiff is asserting claims invoking the Federal Civil Rights Act of 1964, 42 U.S.C. §§ 2000e, *et seq.*, and the Americans with Disabilities Act, 42 U.S.C. § 12112(a). The Court has supplemental jurisdiction over the related state claim pursuant to 20 U.S.C. § 1367. The parties also do not dispute that this Court has personal jurisdiction over the parties or that venue in this Court is proper.

All parties have been served.

2. FACTS

A. Plaintiff's Facts

Plaintiff is an African-American woman who is been employed by defendant since March, 2017. Almost from the start, she was subjected to a discriminatory hostile work environment both sexually and racially, with repeated references by management to “pussies” and “shit-hole countries.” She was told how to “wear a nice dress and heels” and asked if she would be a “one-night stand” by her superiors, white males.

She was told she was “overly-aggressive” and that would have been okay if she were a white male.

Plaintiff was underpaid compared to her white male counterparts by 45% despite generating more than half of her team’s sales. A lesser qualified white male was promoted over her and given accounts that she had worked to land. She was praised for developing innovative concepts and then told that the company was transferring the concept and her account to another white male, literally that they were “stealing her thunder.”

When Plaintiff complained of unequal treatment even more accounts and territory were given to lesser qualified white males.

1 Due to the stress of the discrimination and retaliation plaintiff suffered a stroke and went
2 on disability leave. When she had recovered sufficiently to work part time, the company refused
3 to put her back to work.

4 **B. Defendant's Facts**

5 Defendant Calix, Inc. is a global provider of software and cloud-based software platforms,
6 systems and services that its telecommunications customers deploy across their networks to
7 provide broadband services to subscribers. Calix is a publicly held company headquartered in San
8 Jose, California with offices in Petaluma, California, Richardson, Texas and Nanjing, China,
9 among other locations around the world.

10 Plaintiff Tracy Hankins has been employed since March 2017 as a Cloud Solutions
11 Specialist in Calix's Cloud Solutions group responsible for selling Calix's Cloud Solutions,
12 primarily Calix Marketing Cloud. Hankins was the first person hired by Stephen Eyre, who at the
13 time was Calix's Area Vice President for Cloud and Smart Home Solutions. At the time Hankins
14 was hired, Calix was just launching its cloud solutions. The Department has since grown to
15 seventeen employees with ten in the role of Cloud Solutions Specialist. Eyre was Hankins' direct
16 supervisor from her date of hire through the start of her medical leave in April 2018.

17 As the first Cloud Solution Specialist hired by Eyre to support Calix's initial launch of
18 cloud solutions, Hankins worked on all accounts nationwide under Eyre's supervision. As Calix
19 focused on growing its customers and prospects for the Cloud and Smart Home Solutions,
20 additional Cloud Solution Specialists throughout the United States and Canada were hired into the
21 Cloud and Smart Home Solutions Department to enable coverage of more customers and prospects
22 in more markets, the customers and associated geographic territories were allocated among these
23 new hires. However, the growth of the team, and the resulting distribution of accounts, did not
24 impact Hankins' expected payout.

25 There is no evidence that Hankins complained of disparate racial and gender treatment to
26 anyone at Calix, including her direct supervisor or members of Calix's Talent and Culture
27 department. Calix's records refute Hankins' claims that she was paid less than similarly situated
28

1 male Cloud Solution Specialists. Calix has also been unable to corroborate Hankins' claims of
2 disparate treatment based on her race or sex, or that she was subjected to racist or sexist comments.

3 Hankins has been on leave since April 16, 2018 for personal health related reasons, and
4 has not been released to return to work. Calix has accommodated all of Hankins' requests for time
5 off so that she may attend to her health issues.

6 **3. LEGAL ISSUES**

7 **A. Plaintiff's Key Legal Issues**

8 Plaintiff does not identify any legal issues that require court resolution at this time.

9 **B. Defendant's Key Legal Issues**

10 Defendant does not identify any key legal issues.

11 **4. MOTIONS**

12 Both parties anticipate filing motions for summary judgement according to applicable
13 deadlines.

14 **5. AMENDMENT OF PLEADINGS**

15 Plaintiff does not anticipate amending her Complaint.

16 **6. EVIDENCE PRESERVATION**

17 The parties have reviewed the Guidelines Relating to the Discovery of Electronically
18 Stored Information and have met and conferred regarding the topics set forth in the Northern
19 District of California's Checklist for Rule 26(f) Meet and Confer Regarding Electronically Stored
20 Information. The parties have taken all reasonable steps to preserve evidence potentially relevant
21 to this matter and will continue to comply with their preservation obligations.

22 **7. INITIAL DISCLOSURES**

23 The parties agree that this is an employment dispute falling under the purview of the Pilot
24 Program for Initial Discovery Protocols for Employment Cases Alleging Adverse Action (General
25 Order No. 71). The parties have made their initial disclosures and document productions in
26 accordance with the Initial Discovery Protocols.

27 **8. DISCOVERY**

28 Plaintiff and Defendant have propounded and responded to written discovery requests and

1 taken key depositions in preparation for mediation, which will take place on November 16, 2020.

2 **9. CLASS ACTIONS**

3 This case is not a class action.

4 **10. RELATED CASES**

5 The Parties are not currently aware of any related matters.

6 **11. RELIEF**

7 **A. Plaintiff's Relief**

8 Plaintiff will be requesting all relief available to discrimination and retaliation victims
9 including lost wages and benefits, emotional distress damages and reputational damages. In
10 addition, plaintiff will be requesting attorney's fees and liquidated and punitive damages.

11 **B. Defendant's Relief**

12 Defendant requests that Plaintiff take nothing by this action. Defendant also seeks to
13 recover costs, attorneys' fees, and any other relief the Court deems appropriate.

14 **12. SETTLEMENT AND ADR**

15 The parties have agreed to attend private mediation with David Lowe on November 16,
16 2020.

17 **13. CONSENT TO MAGISTRATE JUDGE FOR ALL PURPOSES**

18 The parties have consented to the jurisdiction of a U.S. Magistrate Judge.

19 **14. OTHER REFERENCES**

20 None.

21 **15. NARROWING OF ISSUES**

22 None.

23 **16. EXPEDITED TRIAL PROCEDURE**

24 It is not appropriate to handle this case on an expedited basis.

25 **17. CASE SCHEDULE**

26 The following case schedule has been set for this case.

27	Deadline for Fact Discovery	October 14, 2020
28	Deadline for Expert Disclosures	November 11, 2020

Deadline for Expert Rebuttal	November 30, 2020
Deadline for Expert Discovery	December 18, 2020
Deadline to File Dispositive Motions	January 15, 2020
Pre-Trial Conference	April 15, 2021
Trial	May 3, 2021

18. TRIAL

The parties anticipate that trial will last approximately seven (7) to ten (10) court days. Plaintiff demands a jury trial.

19. DISCLOSURE OF NON-PARTY INTERESTED ENTITIES OR PERSONS

Plaintiff and Defendant have filed their disclosures of interested parties.

20. PROFESSIONAL CONDUCT

All attorneys of record have reviewed the Guidelines for Professional Conduct for the Northern District of California.

21. OTHER MATTERS

None at this time.

Dated: November 2, 2020

HOYER & HICKS

By: /s/ Nicole B. Gage
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 Ryan L. Hicks
 Nicole B. Gage
 Attorneys for Plaintiff
 TRACY HANKINS

Dated: November 2, 2020

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